IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR.

O R D E R

S.B. Criminal Misc. Petition No. 1523/2007
(Ved Prakash Vs. State of Rajasthan & Anr.)

Date of Order : 05/10/2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Kalu Ram Bhati, for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. Narendra Rajpurohit for the respondent No.2.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks quashing of proceedings pending before Judicial Magistrate, (First Class) Gharsana arising out of FIR No. 189/90 Police Station-Gharsana for the offence under Section 498-A IPC.

Heard learned counsel for the parties.

Learned counsel for the petitioner as also counsel appearing for the first informant respondent No.2 Smt. Sundara submitted that the petitioner and the respondent No.2 are husband and wife and have settled their dispute amicably and started living together as husband and wife and therefore, the

respondent No.2 filed an application before the trial court seeking compounding of the offence and filed a compromise which the trial court declined to accept on the ground that offence punishable under Section 498-A IPC is not compoundable in view of Section 320 Cr.P.C. Hence this petition.

Learned counsel for the petitioner and counsel for the complainant respondent No.2 submit that since the parties have settled their dispute amicable and have compromised the matter in order to lead a peaceful marital life and started living together and therefore, the complainant respondent No.2 is not likely to give any evidence adverse to her husband petitioner. Learned counsel for the petitioner has relied on a decision of Hon'ble Supreme Court in B.S.Joshi and Others Vs. State of Haryana and Another (2003) 4 SCC, 675 wherein Hon'ble Supreme Court held that there is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the

ends of justice would prevent women from settling earlier. That is not the object of Chapter XX-A of the Indian Penal Code. The Apex Court further observed that the High Court, in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 Cr.P.C. does not limit or affect the powers under Section 482 Cr.P.C.

Keeping in view the decision of Hon'ble Supreme Court in B.S.Joshi and Others Vs. State of Haryana and Another (supra) and the fact that the parties have compromised the matter in order to lead peaceful marital life and started living together as husband and wife and resumed their marital relation, in my view, to secure the ends of justice, the proceedings pending before Judicial Magistrate, First Class, Gharsana, district Sriganganagar in Criminal Case No. 469/93 "State Vs. Vedprakash", deserves to be quashed.

In the result, the criminal misc. petition is allowed. The criminal proceeding against the petitioner in Criminal Case No. 469/93 "State Vs. Vedprakash" pending before Judicial Magistrate, First Class, Gharsana, district Sriganganagar for the offence under Section 498-A IPC stands quashed.

(H.R.PANWAR), J.

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